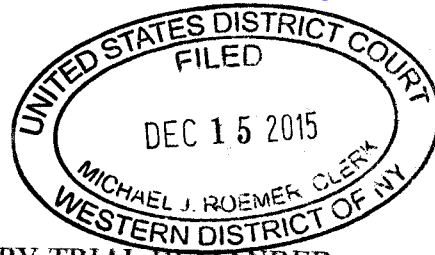


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLES BURGIN



JURY TRIAL DEMANDED

Plaintiff

BUFFALO BOARD OF EDUCATION et al

Defendants

Case No.: 15 CV 0201S

AMENDED COMPLAINT

DEFENDANT: Buffalo Board of Education;
Former Buffalo Public Schools Superintendent Pamela C. Brown;
Associate Superintendent Buffalo Public Schools Will Keresztes;
Director of Social Studies Buffalo public Schools Charles Brandy;
Interim Superintendent Buffalo Public Schools Donald A. Ogilvie;
President Buffalo Board of Education James M. Sampson;
Board of Education member Carl Paladino;
Board of Education member Lawrence Quinn;
Board of Education member Patricia Pierce;
Board of Education member Theresa Harris-Tigg;
Board of Education member Barbara Seals Nevergold;
Former Chairman and Executive Director of United Black Men's Think Tank of Buffalo,
L. Nathan Hare

1.) That Plaintiff availing himself of FRCP 15 (a) (1) is filing this Amended Complaint to clarify issues related to his original complaint (filed on March 4, 2015) and to also add an additional defendant L. Nathan Hare, Chairman United Black Mens Think Tank Of Buffalo who is not an employee of Buffalo Board of Education but played a significant role acting in concert with Buffalo Board of Education members and employee defendants to deprive plaintiff and a class of minority parents and their male at risk students of their rights, as was partially detailed in plaintiff's 24 page notice of claim containing exhibits marked 1 through 34, dated March 3, 2014 and was served upon Buffalo Board of Education, and individual employees. See attached Notice Of Claim.

2.) That, plaintiff had timely served the notice of claim on Buffalo Board of Education (hereafter BOE) board members and employees, who are being sued in their individual and joint capacities under federal and state statutes.

3.) That, Buffalo Public School District and BOE receive federal funding for the provision of free educational services and programs to at-risk impoverished minority male students who were targeted by Buffalo Public Schools parent's group and plaintiff to be beneficiaries of a proven mentor program "5000 Role Models of Excellence Project", and BOE was at all times subject to various state and federal policies, regulations and laws, which were willfully violated by BOE and employees acting in collusion with non employee L. Nathan Hare to halt the impact study/cost analysis ordered for 5000 Role Models Of Excellence Project by Board Resolution of 6-12-13.

4.) That, plaintiff Charles Burgin herein complaining of defendants alleges as follows:

5.) That Plaintiff founded Brotherman's Progress Mentors Matter Advocacy to advocate for empowerment of minority males who are graduating at very dismal graduation rates for various reasons and particularly due to racial polarization of BOE, and disparate, discriminatory educational policies implemented in BPS by BOE and Administrators. See exhibit (G) which is a March 19, 2015 Buffalo News article about a 15 year-old Black male Buffalo Public Schools student titled "Meet Ryan Everett, a once promising student trapped in educational despair." "Ryan has been repeating seventh grade in the same school with the same set of teachers for the third year in a row. He's on track to fail this year too. Ryan has been trapped in a failing school with no way out... but he's not alone. There are hundreds, if not thousands of children like Ryan, bright city kids who enter school eager and able to learn but who wind up trapped and lost in school environments where they can't succeed. Poverty and low parental involvement contribute to academic failure, but SO DO SCHOOLS THAT ARE SIMPLY ILL EQUIPPED TO TEACH ALL THE CHILDREN THEY ENROLL." This is proof positive that 5000 Role Models Of Excellence Project is needed in Buffalo Public Schools along with class action status for this lawsuit due to high poverty rates, exposure of traumatic living environments, lack of full parental support and guidance, along with disparate educational policies derived from racial polarization of BOE in district which is largely African American.

6.) That, plaintiff at all times herein was sanctioned by the Buffalo Public School District administrators and parents group as an empowerment advocate and official representative of at-risk minority male students who were graduating at a dismal and unacceptable rate of approximately 25%, in that he was elected as Chairman of District Parent Coordinating Council Mentor Committee of Buffalo Public Schools (hereafter BPS); and in fall of 2011 was appointed by BPS Interim Superintendent Amber Dixon and BOE President Lou Petrucci, to serve on their newly created BPS Special Mentor Committee specifically tasked with creating and implementing district policies while utilizing BPS funding resources to establish a comprehensive mentor program with wrap around services to help improve the graduation rate of minority male students.

7.) That, plaintiff through research, located a proven minority male life-skills mentor program created by Congresswoman Frederica S. Wilson in 1993, which empowered Black and Hispanic male students to stay in school, graduate high school, attend college to escape generational poverty—thus he eventually accepted an offer from her to meet in Wash. D.C., and they agreed to have her program “5000 Role Models of Excellence Project” established as a chapter in BPS, as program officials would assist plaintiff with his business plan. See enclosed letter to Buffalo area Congresswoman Louise Slaughter, along with documents such as a policy brief from Partnership For The Public Good entitled “Concentrated Poverty and Public Education which help evidence the need for mentor program marked exhibit (A).

8.) That, plaintiff had sent L. Nathan Hare, Chairman of United Black Men’s Think Tank of Buffalo, an email dated 5-11-13, seeking his support for having 5000 Role Models Of Excellence Project replicated in Buffalo Public Schools “with no strings attached. See exhibit (AA).

9.) That, exhibits 27 and 28 (emails dated August 13th, 14th, and 15, 2013) of plaintiff’s 3-3-14 Notice of Claim reveal the scheming, back stabbing conduct of L. Nathan Hare going behind plaintiff’s back to place himself as the person whom Superintendent Pamela C. Brown would be dealing with as regarding the 5000 Role Models of Excellence Project which plaintiff had worked so hard to get the Buffalo Board of Education members to review and consider it in committee, then have the full board vote to approve the 6-12-13 resolution ordering the impact study/cost analysis. L. Nathan Hare had nothing to do with this..

10.) That, L. Nathan Hare lied in his August 15, 2013 email (exhibit 28 of Notice of Claim) to Buffalo Public Schools Superintendent Pamela C. Brown. Plaintiff had sought a meeting with her to plan things going forward concerning the 5000 Role Models of Excellence Project and was

informed by Supt. Brown's secretary that "the superintendent would only be working with one point man and that she was already set to work with Mr. Hare who had previously contacted her, and Mr. Burgin if you are in fact that point person then I suggest that you straighten things out with Mr. Hare." Plaintiff contacted L. Nathan Hare (see exhibit 28) explaining that he was out of order for trying to take over things as he was not part of the team that helped get the 6-12-13 Board Resolution passed and that Mr. Hare needed to let Supt. Brown know that he was not in charge and had no authority to be dealing with Supt. Brown concerning 5000 Role Models of Excellence Project. Mr. Hare then sent an email (exhibit 28) to Supt. Brown falsely stating "Charles Burgin is the chair person of the United Black Mens Think Tank of Buffalo Mentoring Committee." Truth being that plaintiff attended the Think Tank meetings (was never chair of any United Black Mens Think Tank Mentor Committee) and had sought Mr. Hare's support with certain work that he was doing, never at any time asking Mr. Hare to take over as if he was running things. Mr. Hare then stated via email to Supt. Brown "I would ask that Charles be the person with whom the district works to get this initiative moving. I will work through Charles and the Think Tank to do everything I can to support the success of this effort."

11.) That, exhibit # 30 of plaintiff's March 3, 2014 Notice of Claim is a copy of certified letter plaintiff mailed to Mayor Brown which was dated October 17, 2013, and reveals the ulterior motive for fraud and conspiracy of L. Nathan Hare, defendants Charles Brandy (and others) to have Mayor Brown work with them to bring Congresswoman Frederica S. Wilson (founder of 5000 Role Models of Excellence Project) to Buffalo and to take over the project from Charles Burgin and have Associate. BPS Supt. Will Keresztes sign mentor contracts with L. Nathan Hare.

12.) That, at bottom of page 3, plaintiff stated to Mayor Brown " That to date I'm still awaiting your response. That over this period of time, I was informed by Sam Radford (person who works for Executive Director L. Nathan Hare at Erie County C.A.O.) that he was aware of all the work that I had done on the 5000 Role Models of Excellence Project and that he would hate to see me left out as Councilman Demone Smith, Charles Brandy, and Nate Hare were going to connect with you (Mayor Brown) to reach out to Congresswoman Wilson and bring her to Buffalo so that they could take over the 5000 Role Models of Excellence Project—in which I simply responded that Mayor Brown

had already pledged his support and besides, I was already in contact with Congresswoman Wilson and her chief of staff. Mayor Brown since I have not heard anything from you after visiting your office three times and also meeting with your secretary, I'm now wondering if there is something political going on to circumvent my efforts to implement this very important generational poverty reduction mentor program to assist our at-risk minority males in Buffalo Public Schools to finish high school and graduate college."

13.) That, at page 2, paragraph 8 of the October 17, 2013 letter, plaintiff states "...I'm in process of putting together a business plan, along with a steering committee of dedicated professional people to help get everything that the program needs to succeed."

14.) That, plaintiff states for the record, Mayor Brown never replied to the certified letter as he is political ally of L. Nathan Hare, and about three weeks later defendant Charles Brandy arbitrarily and fraudulently composed his November 12, 2013 letter to Will Keresztes and Supt. Pamela Brown to deliberately shut down work on the impact/study cost analysis ordered by the 6-12-13 Board Of Education Resolution which was being done by members of the BPS Mentor Committee and plaintiff whom was a member.

15.) That, without any consultation with other Mentor Committee members tasked with completing the impact study/cost analysis, Charles Brandy wrote in his fraudulent report "Mr. Burgin did not participate in the October 12, 2013 conference call with the committee and ceased all communications." This was an intentional lie because Mentor Committee records reveal no such conference call was ever scheduled for October 12, 2013. Mentor Committee records prove that plaintiff did not "cease all communications." See exhibits # 21 through #24 of plaintiff's March 3, 2014 Notice of Claim which are Mentor Committee emails amongst plaintiff Charles Burgin, defendant Charles Brandy, and Gail Wells who served as member of Mentor Committee doing "impact study/cost analysis ordered by 6-12-13 Board Of Education Resolution. In addition, see materials marked exhibit (C) which contain United Black Men's Think Tank of Buffalo minutes (concerning their Executive Director L. Nathan Hare) along with other materials which help expose Hare's motive for wanting to shut down the 6-12-13 impact study/cost analysis of 5000 Role Models Of Excellence Project ordered by Buffalo Board Of Education.

16.) That, plaintiff has "standing" to bring 14th Amendment due process, equal protection claim

along with New York State due process, equal protection claim against Buffalo Board of Education defendants acting in their individual and personal capacity or jointly and severally based on facts previously annotated in his March 3, 2014 Notice of Claim, along with documents and material facts contained in this Amended Complaint as stated in above paragraphs and the following:

17.) That, under "Code of Conduct of New York State School Boards Association", Buffalo Board of Education members must "Welcome and encourage active involvement by citizens including parents and organizations in board activities regarding establishing school policy and developing future plans." Yet the BOE intentionally would not meet with plaintiff!

18.) That, the code of conduct states "That we have been selected by our fellow citizens and entrusted with the authority and obligation to strive to provide ALL STUDENTS of our communities and state with an equal opportunity for educational excellence." That includes at-risk Black and Hispanic males who are dropping out at an approximate rate of 75% and not graduating high school.

19.) That, the code of conduct states "that we must never neglect our personal obligations to our communities and our LEGAL OBLIGATION to the state." Yet the BPS defendants intentionally ignored plaintiff's efforts as a parent's advocate and minority male student representative!

20.) That, the code states that board members have a duty to "Communicate concerns and public reaction to board policies and school programs to the superintendent and other board members in a professional manner." However they illegally ignored plaintiff's requests!

21.) That, plaintiff incorporates by reference policy 2160 school district officer and employees code of conduct into this Amended Complaint.

22.) That, plaintiff by reference incorporates paragraphs 1 through 18 of policy 2160 as if fully set forth herein.

23.) That plaintiff hereby reallege and incorporates by reference paragraphs 1 through 22 as if fully set for herein.

24.) That, the defendants Buffalo Board Of Education; and individual members; along with Charles Brandy; Will keresztes; and former Supt. Pamela C. Brown; in their wrongful actions and (omissions) failure to act, including conspiracy, fraud, and acting in complicit manner with L. Nathan Hare to illegally deny plaintiff who is a Black man, and BPS minority male students

at-risk, their due process, equal protection rights under 14th Amendment to U.S. Constitution; and the New York State Constitution's due process, equal protection clause; and policy 2160 of New York State SchoolBoards Code of Conduct; to have a fair and honest impact study/cost analysis of the 5000 Role Models Of Excellence Project completed with integrity as ordered by BOE Resolution of 6-12-13. See exhibit (FF) which is a letter from Say Yes Executive Director David R. Rust, dated April 1, 2013, along with the actual copy of the BOE 6-12-13 Resolution ordering "impact study/cost analysis for 5000 Role Models Of Excellence Project.

25.) That, District Parent Coordinating Council minutes of September 20, 2011 reflect that plaintiff "Mr. Burgin made motion to form a mentoring committee and Lafayette seconded it. The motion passed without opposition with Mr. Burgin as it's Chair." See exhibit (BB) which also contains a letter of support from District Parent Coordinating Council regarding plaintiff's "Petition For Non Violence And Increasing Life Skills Mentoring Programs For At-Risk Youth...the DPCC endorses this petition as a means to acknowledge the concerns of our community parents and school leaders and to hopefully point our district towards identifying means and methods to help support our at-risk youth."

26.) That, plaintiff offers email dated October 28, 2011 which he sent to the Buffalo Board of Education President Lou Petrucci seeking action and support of initiatives to uplift and empower at-risk black male students who had a totally unacceptable graduation rate of 25%. See exhibit (CC).

27.) That board president Lou Petrucci responded to plaintiff by letter dated December 11, 2011, expressing his concern "With respect to the achievements of males of African descent in Buffalo Public Schools we are not where anyone wants to be...I have also been informed that you have been recently appointed to the newly established Mentoring Committee chaired by Charles Brandy...we have established the aforementioned mentoring committee to establish policies, practices...the Buffalo Public Schools need to have a well articulated policy that both provides access to mentoring programs and ensure the safety and well being of our students..." See exhibit (DD)

28.) That, plaintiff's work on the Mentoring Committee along with some thorough research revealed a proven effective mentor program 5000 role models of Excellence Project which uplifted and empowered at-risk

Black male students attending Miami-Dade Public Schools to graduate high school and attend college thus helping Black families to escape generational poverty.

29.) That, plaintiff contacted Executive Director Tammy Reed who responded by letter dated February 5, 2013, "It was a pleasure speaking with you. As promised attached is information regarding the 5000 Role Models of excellence Project. I wish you success in your efforts to establish and build a mentoring program that positively impacts the lives of our children." See exhibit (EE)

30.) That, plaintiff sought the support of "SAY YES" Organization as to working with him to help provide counseling and other academic (scholarship) related assistance and services for Black male students who would be enrolled in the Buffalo Chapter of 5000 Role Models of Excellence Project.

31.) That, "Say Yes" Executive Director David Rust responded to plaintiff by letter dated April 1, 2013, "As such we will endorse and partner with organizations that demonstrate best practices and evidence-based principles of mentoring designed to encourage youth to be confident..." See exhibit (FF) which also contains a copy of the actual 6-12-13 board resolution which was passed by board and the last paragraph states "Be it resolved that the Board of Education calls upon the Superintendent to conduct an impact study with a cost analysis and emphasis on the potential combined effect with current district academic and intervention programs like Say Yes in an effort to blend academic intervention and adult mentoring as a strategy for enhancing outcomes for elementary and high school students."

32.) That, plaintiff sent a letter dated May 15, 2013, to Buffalo board of Education Committee member Ralph Hernandez seeking a board resolution in support of our "Non Violence Pro Mentor/5000 Role Models of Excellence Project initiative...made on behalf of our at-risk, marginalized minority students, parents, the community at large, and especially the many youth who are living in fear for their lives. This extensive material evidencing the need for the above resolution in support of our initiative can possibly be summed up by the BOE Committee and full body reading the enclosed copy of an email which I sent to BOE member John Licata, dated May 17, 2011. See exhibit (GG) which contains plaintiff's May 17, 2011 email to John Licata and also

includes plaintiff's May 15, 2013 letter to board member Ralph Hernandez which is of relevance.

33.) That, plaintiff's May 17, 2011 email to John Licata (at exhibit GG) states in part that he's seeking board member John Licata's support as to improving the overall functioning of the schools and improving the dismal graduation rate of 25% for Black male students. my point Mr. Licata is that long term mentors can and do make a difference in young person's life and can influence the decisions that the young students make...we have support of at least 1,000 concerned individuals who have signed our Non Violence Pro Mentor of Life Skills Foundation For At-Risk Youth petition. ...finally Mr. Licata, I'm sure that you agree that if you have exponentially increased the amount of dedicated , qualified Black male mentors and counselors working in the schools to stabilize and uplift those youth at-risk then the entire learning environment improves."

34.) That, by email dated June 7, 2013, plaintiff contacted board members Lou Petrucci and Ralph Hernandez regarding the upcoming board resolution and institutional racism as plaintiff' stated "I expect to have an up or down vote this coming Wednesday on behalf of our young minority males who have been disparately educated for decades...one has to look at the implications of racist policies over the past few decades and how it negatively impacted minority students... it's time that the BOE understand that they work for the benefit of ALL the students who are entitled to high academic achievement—not just the cream of the crop." See exhibit (HH).

35.) That by letter dated 6-12-13, Congresswoman Frederica S. Wilson of 5000 Role Models of Excellence Project placed Buffalo Board of Education on notice that "our drop-out rate has decreased phenomenally since inception of the program. Principals, teachers and parents sing praises of the results and the students are proud to be associated with this extremely successful program...in Congress, I'm working to bring this important initiative to a national scale. If this resolution is passed, I would be delighted to come to Buffalo to help move this essential initiative forward." See exhibit (ii).

36.) That, plaintiff sent an email dated 6-13-13 to board members Ralph Hernandez and Lou Petrucci, sponsors of the 6-12-13 board resolution, thanking them and stating '*I will also be contacting Supt. Brown just to

make sure she received a copy of the letter which was sent to the board from Congresswoman Frederica S. Wilson and that she has read the full contents...I just want to get Supt. Brown's overall feelings about Congresswoman Wilson's offer to come to Buffalo, if the resolution passed. That way, supt. Brown and I can be on the same page in strategizing how to make everything come together for the benefit of our students, their families and the greater community."

37.) That, by email dated June 21, 2013, board member Lou Petrucci responded stating "Mr. Burgin...the second part of the resolution is now for you to formulate a BUSINESS PLAN for your mentoring program. As a board member I do write the specs, I can tell you what I have seen come across my desk over the years and the general questions that may be asked. Number of schools—number of children that you can serve in each school—outcome over a specified time period. For example, we plan on mentoring 50 young males of African descent in ten schools with a goal of improving attendance, suspension, ELA, math, graduation rates etc. by so many percentage points over a specified time period. How are mentors selected. Mentor training. Partnerships with other groups. Cost. Reporting—how often are you going to report out your results—quarterly, biannual, annual? ANYTHING THAT WE CAN DO TO IMPROVE AFRICAN AND HISPANIC MALE GRADUATION RATES SHOULD BE EXPLORED. IF IT WORKS IN FLORIDA, HOPEFULLY IT WILL WORK HERE IN BUFFALO." See exhibit (JJ) which also includes a page from the 6-12-13 Buffalo Board of Education minutes which evidence the resolution as overwhelmingly passed.

38.) That, newly elected Buffalo Board of Education President Barbara Nevergold responded to plaintiff's request that she support the 5000 Role Models of Excellence Project by sending him an email dated July 8, 2013 which stated "As you know the board supported the resolution regarding YOUR PROGRAM and staff were instructed to conduct a cost analysis. I will support the board's resolution and I suggest that you use this as support by the board for the program." See exhibit (KK).

39.) That, by letter dated August 13, 2013, Ellicott District Councilmember Darius Pridgen supported the 5,000 role Models of Excellence Project initiative stating it would "increase the high school and college graduation rates of minority males in the Buffalo Public School s system. This program will add DIVERSITY into the multiple programs available to our youth...I would SERVE in an ADVISORY

CAPACITY as needed." See exhibit (LL)

40.) That, via letter dated August 26, 2013, Congresswoman Frederica S. Wilson, founder of 5000 Role Models of Excellence Project invited plaintiff to attend a Congressional Black Caucus Educational Forum while serving as honorary host. A contingent of 5000 Role Models of Excellence Project staff and officers would be there along with forty boys who attend the Miami-Dade County Public School system as plaintiff could meet and discuss relevant business matters pertaining to the establishment of the Buffalo Chapter of 5,000 Role Models of Excellence Project. See exhibit (MM).

41.) That, plaintiff accepted the offer to attend the educational forum and made important contacts within the organization as he was offered support in establishing the Buffalo Chapter of 5000 Role Models of Excellence Project in Buffalo Public Schools. Of particular significance a pledge of support from Congresswoman Frederica S. Wilson's son Paul Wilson "It was indeed a pleasure making your acquaintance this past week in Wash. D.C. for the ALC Conference. I hope that we connect and do some great work in our respected communities on behalf of our children. If there is anything that I can do to assist you, please do not hesitate to ask. P.S. WE ARE GOING TO GET THIS 5000 ROLE MODELS OFF THE GROUND IN BUFFALO. I CAN'T WAIT!" See exhibit (n n) which is an email letter from Paul Wilson dated Sept. 23, 2013.

42) That, via email dated September 6, 2013, Tracy Cooley, a member of the Mentor Committee working with defendant Charles Brandy and others to do the board ordered impact study/cost analysis of 5000 Role Models of Excellence Project offered to help plaintiff with his BUSINESS PLAN, stating "In order to bring a program to fruition, you have to begin to plan by creating a team that can help develop the implementation plan and BUSINESS PLAN. The program already exists, now you need to brainstorm on all the pieces you need to make a program happen." See exhibit (OO).

43,) That, via email dated September 11, 2013, plaintiff sought the support of Buffalo Board of Education member Dr. Harris-Tigg stating "For now. Dr. Harris-Tigg, I'm simply asking that Dr. Nevergold as President of the Buffalo Board of Education and Dr. Brown as Superintendent of BPS, send a letter of response to Congresswoman Wilson inviting her to Buffalo at her convenience to help move the

mentor program project initiative forward. I'm still working on the BUSINESS PLAN aspect and the BPS Mentor Committee is still working on the impact study etc. see exhibit (pp).

44.) That, via email dated Sept. 26, 2013, plaintiff explained to East High School Principal Dr. Young, his successful trip to Wash. D.C. regarding 5000 Role Models of Excellence Project. Dr. Young replied via email dated September 20, 2013, "East High is very interested in being a part of 5000 Role Models of Excellence Project." See exhibit (r r) which is a copy of both emails.

45.) That, as previously annotated in plaintiff's March 3, 2014 Notice of Claim, plaintiff revealed how defendant Charles Brandy had fraudulently conspired with L. Nathan Hare in composing his arbitrary report of November 12, 2013, which was sanctioned by defendants Will keresztes and conspiratorily given to Pamela C. Brown, falsely stating that plaintiff failed to produce program materials during a bogus October 12, 2013 telephone conference call and then "ceased all communications" with the Mentor Committee which was tasked with doing the impact study/cost analysis ordered by board on 6-12-13. See exhibit (s s).

46.) That, plaintiff had objected to the arbitrarily prepared (and intentionally false) report of November 12, 2013 that defendant Charles Brandy had prepared, and plaintiff then had a December 4, 2013 meeting with Supt. Pamela C. Brown who refused to accept any of his written material documents evidence which proved that Charles Brandy had intentionally falsified his report on behalf of L. Nathan Hare, which was sanctioned by Will keresztes, and then when asked by plaintiff why she (Supt. Pamela C. Brown) had not sent the previously agreed upon letter to Congresswoman Frederica S. Wilson, accepting her invitation to "come to Buffalo to help move this important initiative forward"--Supt. Brown shockingly replied "How do you know that I wanted that woman to come here in the first place." See 12-4-13 email attached to exhibit (SS) along with a Jan 20, 2015 letter from BOE member Carl Paladino who states Supt. Pamela C. Brown "was hired by an African American majority of the BOE at the time who were more interested in having a superintendent they could control and protecting their power over jobs and monies than they were concerned with the education of 34,000 kids. The superintendent was so inept that they found it necessary to hire a \$450,000/yr consultant to guide her. That BOE majority wanted her to get on the job training showing no concern for the suffering of 34,000 children in a dysfunctional system which had a 9% proficiency in math and 11% proficiency in English with an actual graduation rate under 50% including many students pushed through to raise the numbers." Plaintiff incorporates this letter into his Amended Complaint as evidence to

bolster his legal claims and assertions regarding Superintendent Pamela C. Brown and the BOE..

47.) That, as a result of their conspiracy and fraud, L. Nathan Hare was subsequently able to sign a mentor related contract with Will Keresztes giving him control over all mentor related programs and policies in Buffalo Public Schools, as the Mentor Committee created by Interim Supt. Amber Dixon and board member Lou Petrucci, which plaintiff had served on for approx. 2 years, was to his knowledge disbanded, or is now being controlled by L. Nathan Hare, Executive Director of Erie County C.A.O., who no longer has a relationship with the United Black Men's Think Tank of Buffalo—after leaving the organization and taking their mentor related project with him to ECCAO. See exhibit (H) which is a series of six emails (which plaintiff fully incorporates by reference) between L. Nathan Hare and United Black Men's Think Tank Of Buffalo that evidence Hare's motives to conspire to shut down Board ordered 6-12-13 Resolution pertaining to impact study/cost analysis for 5000 Role Models Of Excellence Project..

48.) That, plaintiff had written a five page letter to Paul Wilson (son of Congresswoman Frederica S. Wilson) who had pledged his support for 5000 Role Models of Excellence Project. "Well Paul, I was nobody's fool as I knew that the only body which could overrule the fraud perpetrated against us was the full body of Buffalo Board of Education. I reached out to them but the new board had not yet been elected, so I simply filed a legal Notice of Claim on behalf of myself and all minority males who would have benefited from the 5000 Role Models of Excellence Project being replicated in Buffalo Public Schools. This would protect our interest should the board not agree to timely rectify the fraud perpetuated against us by Supt. Pamela C. Brown and board employees." See exhibit (t t) which is copy of letter to Paul Wilson.

49.) That plaintiff hereby realleges and incorporates by reference paragraphs 1 through 48 As if fully set forth herein:

50.) That, defendants L. Nathan Hare, Charles Brandy, Will Keresztes and Supt. Pamela C. Brown's actions were sanctioned and condoned by the Buffalo Board of Education and by individual board members Carl Paladino; Lawrence Quinn; Patricia Pierce; James Sampson; Dr. Barbara Nevergold; and Dr. Theresa Harris-Tigg; Donald Ogilvie; acting to deny Black plaintiff, and minority parents of at-risk male students attending Buffalo Public Schools—their rights to establish a proven mentor program for Black and Hispanic at-risk male students that helps them stay in school, graduate and attend

college--the 5000 Role Models of Excellence Project.

51.) That, plaintiff submit's a list of concerned parents and community stakeholders who demanded that Buffalo Board of Education members meet with him and parents of students who would have benefited from 5,000 Role Models of Excellence Project, and stakeholders, to discuss their Notice of Claim filed 3-3-14. The defendant Buffalo Board of Education, and individual board members intentionally ignored plaintiff who was acting as representative of himself, parents and stakeholders--by refusing to meet with him or them. See exhibit (u u).

52.) That, plaintiff states the actions engaged in by the defendants herein violated plaintiff's (and parents of Black and Hispanic at-risk male students attending Buffalo Public Schools) rights, under U.S. Constitution's 1st. and 14th Amendments, as pertaining to 42 U.S.C. 1983; including Article 1, sections 8 and 11 of New York State Constitution freedom of speech law; and 42 U.S. C. Title VI 2000d, 2000 d1 (section 601); while acting under color of state law in their official and individual personal capacity, conspiring to deny plaintiff the opportunity to contract and complete plaintiff's business plan for bringing 5000 Role Models of Excellence Project to BPS as Buffalo Chapter--by sanctioning malicious, wrongful deliberate illegal actions of the defendants which shut down the 6-12-13 board ordered impact study/cost analysis for 5000 Role Models Of Excellence Project.

53.) That, defendants acted with deliberate indifference to deny plaintiff an opportunity to be heard at a BOE "speakers list" meeting held April 9, 2014, when he started to let the public and T.V. audience know how the Superintendent, board employees and individual board members were violating the rights of plaintiff, Black and Hispanic parents of at-risk students and stakeholders, when Board PresidentNevergold shouted to security "GET HIM OUT OF HERE!" Plaintiff was escorted from board meeting by board security officer under a policy and custom of not publicly letting anyone speak out against any named board member or the superintendent who have aggrieved them. Plaintiff was then purposely ignored in all his written requests for a meeting to meet with Board to discuss discriminatory grievances by himself, parents of at-risk Black and Hispanic male students, and community stakeholders. See exhibit (B) which is a copy of 4-9-14 meeting.

54.) That, plaintiff reaffirms and re alleges the allegations in paragraphs 1 through 53 as if fully set forth herein .

55.) That, plaintiff incorporates policy 3170 "Parent Involvement Policy" of Buffalo Public Schools as if fully set forth herein. See exhibit (vv).

56.) That, Policy 3170 states "The board of education charges the school

district's staff and parents with the development, implementation monitoring and regular evaluation of a district wide and individual school parent engagement program as required under federal law, including section 1118 of the Elementary and Secondary Education Act (ESEA) and NYSED regulation 100.11 related to shared-decision making these programs, activities, and procedures will be planned and operated with meaningful consultant of parents in each school."

57.) That, policy 3170 further states "Speaking up for every child-families are empowered to be advocates for their own and other children, to ensure that students are treated fairly and have access to learning opportunities that will support their success."

58.) That, Policy 3170 further states "Sharing power in decisions that affect children and families and together inform, influence, and create, policies, practices, and programs."

59.) That, as to district responsibilities/expectation, policy 3170 states "To successfully implement the district's beliefs in parent involvement, support will be comprised of, but not limited to the following: 1.) insuring compliance with section 1118 (parent involvement) the Elementary and Secondary Education Act (ESEA) / Title 1 requirements and NYSED regulation 100.11 related to shared decision making; BY PROVIDING OPPORTUNITIES FOR PARENTS TO PROVIDE INPUT INTO DEVELOPMENT OF ALL STATE AND FEDERAL PROGRAMS (i.e.) TITLE 1 CONSOLIDATED APPLICATIONS, CONTRACT FOR EXCELLENCE."

60.) That, Policy 3170 also states "The Buffalo Board of Education recognizes the value of parents as critical stakeholders to inform the governance of the school district. As an essential voice of the Board of Education a parent representative will serve as a reminder of the core mission of the district TO ALWAYS PUT STUDENT AND PARENT INTENT AHEAD OF ALL OTHER CONSIDERATIONS."

61.) That, plaintiff claims defendants L. Nathan Hare, Charles Brandy, Will Keresztes, Pamela C. Brown, Donald Ogilvie, the Buffalo Board of Education; Board members Paladino, Sampson, Quinn, Pierce, Harris-Tigg, and Nevergold acting individually and together with deliberate indifference concerning rights of Black plaintiff and minority parents of at-risk male students seeking to have impact study/cost analysis completed for 5000

Role Models of Excellence Project, willfully and intentionally violated New York State Education Department Policy 3170, and the shared decision making regulation 100.11; along with section 1118, 111S and Title I of Elementary And Secondary Act (ESEA); including New York State Conspiracy Law, in that defendant's willful, wanton and conspiratorial acts and omissions, gross negligence, conscious indifference, and utter disregard for rights of plaintiff and Black and Hispanic parents of at-risk male students,--violated their rights to enter into a contract with 5000 Role Models Of Excellence Project, and fraudulently prevented plaintiff from presenting his business plan to BPS administrator and Buffalo Board Of Education, upon the completion of a fair and honest Board ordered 6-12-13 impact study/cost analysis, which defendants willfully conspired to sabotage.

62.) That, in support of his allegations and legal claims, plaintiff references additional factual material documents and exhibits of importance and incorporates them into this Amended Complaint as annotated below:

63.) That, plaintiff references exhibit (D) which is an August 1, 2014 letter to interim Superintendent Donald Ogilvie; exhibit (E), an August 4, 2014 letter to board President Sampson; exhibit (F) an October 8, 2014 letter to Board members Lawrence Quinn and Patricia Pierce.

64.) That, the defendants were on notice about plaintiff having to file a Notice of Claim dated March 3, 2014 related to the conspiratorial and fraudulent actions of Charles Brandy and Will Keresztes and the deliberate indifference of Supt Pamela C. Brown who had a duty under federal and state laws to examine the material proof that plaintiff had gathered and presented to her in her office on December 4, 2013 and had an additional duty to have an investigation done concerning this serious matter—but intentionally ignored plaintiff, parents and stakeholders.

65.) That, the individual board defendants and the board as a body had an obligation to meet with plaintiff as parent's representative because he was the person responsible for putting together business plan for 5000 Role Models of Excellence Project, as impact study/cost analysis could not have been completed without it—had not the impact study/cost analysis ordered by the board on 6-12-13—been fraudently halted by defendants. See exhibit (i) which plaintiff incorporates by reference as if fully set forth herein, which, is a 2 page email dated June 2, 2014 from Vice Chairman Hosie Arnold of United Black Men's Think Tank of Buffalo, (as defendant L. Nathan Hare was serving as Chairman of United Black Men's Think Tank Of Buffalo) which evidences the relationship among L. Nathan Hare, BPS Superintendent Pamela C. Brown and then Board President Barbara Seals Nevergold. Vice Chairman Hosie Arnold stated "This 'conversation' with the superintendent should prove to be very informative and in light of the fact that she and current school board President, Dr. Barbara

Seals-Nevergold attended our dinner party fundraiser last February 22nd and assisted us in moving our mentoring project forward with the Buffalo Schools...”

66.) That, plaintiff seeking redress from BOE had timely submitted the following:

- an August 1, 2014 letter to board member Carl paladino
- an August 1, 2014 letter to board member Dr. Harris-Tigg
- an August 4, 2014 letter to board member Dr. Nevergold exhibit. See exhibit (QQ).

67.) That, each of these letters notified these board members of the Notice of Claim which had been filed, and that plaintiff, parents of at-risk minority males, and stakeholders, sought a meeting with them to discuss the fraudulent conduct of board employees Pamela C. Brown, Charles Brandy, and Will Keresztes—which they as individuals and part of the Board had a legal duty to meet with plaintiff, acting as parent and student advocate, and to investigate the conduct of such employees as regarding the impact study/cost analysis. See very relevant exhibit (qq) of this Amended Complaint, along with two other emails, one dated December 20, 2013 which plaintiff had sent to Board member Dr. Harris-Tigg which requested urgent meeting to discuss fraudulent conduct of defendants. The second email dated September 9, 2013 was sent to defendant board member Carl Paladino and board member Dr. harris-Tigg which notified that "We students, parents and community stakeholders WILL NOT BE DENIED OUR DUE PROCESS RIGHTS and urge that you immediately contact Charles Burgin to schedule a meeting to discuss a proper resolution of our grievances." Plaintiff also attaches to exhibit (QQ) and incorporates in it's entirety, a document which is the April 29, 2015 minutes of BOE meeting, whereby board member Dr. Nevergold is chastizing Interim Superintendent Donald A. Ogilvie "You are responding to us while there are five board members that are silent. It is not your job to respond to us about the search or the nature of the search because that is not your job. It is the job of the nine board members... it is not your job to explain why they have not followed the process as they should. Again, you do respond as the employee. THE ONLY EMPLOYEE THE BOARD HAS IS THE SUPERINTENDENT and so I would, again, reiterate and you should not and I understand you are feeling awkward and you are definite caught between the rock and the hard place here but at the same time I would say you need to step back." "Interim Superintendent thanked Dr. Nevergold." Plaintiff states that certainly this document proves that the board had a duty, responsibility and power to meet with him to discuss his claims of fraud being perpetrated against him, parents of minority at-risk students and the district—by Superintendent Pamela C. Brown and her underlings, Charles Brandy and Will Keresztes.

68.) That, plaintiff refers to issues of integrity and character regarding L. Nathan Hare, and Associate Superintendent Will Keresztes who at one point became Interim Superintendent of Buffalo Public Schools

and withheld support for parents and stakeholders initiative whereby he discriminated against them when they were trying to utilize Title 1 funds to start Summer and after school program for at-risk minority male students, As Will Keresztes (with approval of board) supposedly came up with almost a million dollars from the school budget to match funds for a Wegman's run program in Buffalo Public Schools which is run by a White Corporation and does not fill the need for cultural diversity programs aimed to uplift and empower at-risk minority males which plaintiff, parents and stakeholders sought.

69.) That, plaintiff hereby realleges and incorporates by reference paragraphs 1 through 69 as if fully set forth herein.

70.) That the above defendants committed fraud and Plaintiff offers the following information, factual documents and material exhibits to bolster his legal claim of Fraud against the defendants under New York State Law; as well as to exert claims under New York State Law for Tortious Interference With A Prospective Business Economic Relationship; and Tortious Interference With Business Relations:

--Information that defendant L. Nathan Hare being motivated by malice, acting in concert with intent, fraudulently conspired with district employees Charles Brandy and Will Keresztes to sabotage the 6-12-13 board ordered impact study/ cost analysis because he viewed plaintiff's establishment of 5000 Role Models Of Excellenc Project as competition for his own Buffalo Mentoring Initiative with United Black Men's Think Tank of Buffalo, and competition for the contracts he eventually signed with defendant Will Keresztes relating to the establishment and control of mentor programs and policies which he wanted to oversee in BPS District. The record also reflects that defendant L. Nathan Hare schemed to take over plans of plaintiff to bring 5000 Role Models Of Excellence Project to BPS by going straight to Superintendent Pamela C. Brown behind plaintiff's back, and he also sought help from his political ally Mayor Brown to have him bring Congresswoman Frederica S. Wilson to Buffalo whereby he would be in control of everything as Executive Director of Erie County Community Action Organization, where he has now taken the mentor program project formerly created by United Black Men's Think Tank Organization—which now has nothing to do with L. Nathan Hare as revealed by documents in this lawsuit. See exhibit (yy) which is a July 17, 2014 email from Hosie Arnold Vice Chairman of United Black Men's Think Tank of Buffalo which reads "Mr. Hare: Due to your recent actions which have been determined to be unbecoming of a professional and a gentleman, your membership in the United Black men's Think Tank of Buffalo has been rescinded effective immediately..."

--Information that plaintiff had a conversation with one of the Mentor Committee members tasked with doing the board ordered 6-12-13 impact study/cost analysis, as she was also associated with L. Nathan Hare and the United Black Men's Think Tank. Plaintiff asked her

what she knew about the arbitrary shutting down of the impact study/cost analysis, and she replied that "Mr. Nate Hare says you (plaintiff) were moving too slow with the 5000 Role Models Of Excellence Project."

—A November 22, 2013 5 page letter sent to Pamiela C. Brown seeking redress of defendant Charles Brandy's fraudulent report of November 12, 2013. See exhibit (WW).

~A November 27, 2013 email sent by Supt. Brown seeking a December 4, 2013 meeting and plaintiffs' reply of November 30, 2013, accepting the meeting while stating "in terms of full transparency it is imperative that I immediately receive a copy of the so-called impact study cost analysis bogus report submitted by Charles Brandy to Supt. Brown without my participation or knowledge." See exhibit (WW).

~A December 3, 2013 email sent by Supt. Brown to plaintiff which states "please see the 'committee's report' attached. I look forward to meeting with you tomorrow." Note that Supt. Brown has termed Charles Brandy's fraudulent and arbitrary report as the 'committee's report' which sanctions the conspiratorial conduct of Charles Brandy, Will Keresztes and L. Nathan Hare--in light of the fact no other member of the Mentor Committee tasked with completing the 6-12-13 Board Resolution took part in drafting the report which just so happens to coincide with L. Nathan Hare's move to start his own community mentor movement utilizing a group he chaired as Executive Director, United Black Men's Think Tank of Buffalo and Schemed to receive a mentor related contract with his crony Will Keresztes and Buffalo Public Schools; only later to ditch the United Black Men's Think Tank of Buffalo and take it's mentor project movement for his own Erie County C.A.O. which he serves as Executive Director. See exhibit (WW).

—An October 26, 2013 email from L. Nathan Hare, then serving as

Chairman of United Black Men's Think Tank of Buffalo. He then puts out a press release "...establish a method of working together with these groups and the Buffalo Board of Education to build a broad base of mentoring initiatives which combines volunteer and institutional support systems." Coincidence? This is exactly what plaintiff was doing with his Steering Committee to galvanize the community to work with Congresswoman Wilson founder of 5000 Role Models Of Excellence Project when she came to Buffalo. Now consider L. Nathan Hare's August 2013 email to Supt. Brown, whereby he pledged to "work with "Charles and do everything in his power to make the 5000 Role Models Of Excellence Project a success."

Mr. Hare's press release further states "please join us at our 'Developing a Meaningful Mentoring Initiative meeting set for Saturday NOVEMBER 9, 2013."

Note that this is only three days before Charles Brandy submits his arbitrary and fraudulent report of November 12, 2013, effectively shutting down the impact study/ cost analysis for 5000 Role Models of Excellence Project which the board ordered on June 12, 2013. See exhibit (WW).

—An outline copy of email sent from defendant Charles Brandy which states " our conference call schedule for 4:00PM on Friday, October 11, 2013." Note in his fraudulent report of November 12, 2013. Defendant Charles Brandy falsely stated that there was an October 12, 2013 conference call in which "Mr. Burgin did not participate in the October conference call with committee and ceased all communication.

Recommendation of The 5000 Role Models of Excellence Project Mentoring program is not recommended for implementing in the Buffalo Public Schools in a limited or full capacity at this time. Specifics of the core components remain unknown." " CC Mentoring Committee File." Note that no other Mentor Committee member (including plaintiff) tasked with doing the impact study cost analysis had anything to do with preparing the said report! In addition other committee members were sent a copy on December 3, 2013, one day before plaintiff's meeting with Superintendent Brown. See exhibit (WW).

—An email dated October 11, 2013 at 3:39 A.M. sent by plaintiff to committee member Gail Wells regarding the scheduled October 11, 2013 4:00 P.M. conference call with Charles Brandy and other committee members to discuss business of committee. Plaintiff states "Gail, hold on...Instead of holding a conference call today, I find it imperative that we meet to discuss the BPS mentoring Initiative and 'Gail's' understanding furthermore, I am still in the process of putting together the steering committee, which will be addressing the major issues and

concerns with implementing The 5000 Role Models of Excellence Project in BPS..." See exhibit (WW).

- An email dated October 11, 2013 at 1:57 P.M. committee member Gail Wells' reply to plaintiff "everyone who called in for the conference call felt the conference call should be cancelled and AS PER YOUR SUGGESTION BE REPLACED WITH A MEETING A meeting time was identified therefore we need to know if you are available to meet next Friday on October 18th at 11:00A.M...if this is not convenient for you please provide another time when you are available as we feel we cannot proceed without your input." See exhibit (WW).

~ An October 14, 2013 email sent from plaintiff to Gail Wells " this is to inform that I am not available for the 18th of October. I will be available for a meeting on Friday the 25*" after 1:30 P.M.... we should also discuss for the record how the steering committee which I'm putting together to advance the objectives and implementations of The 5000 role Models of Excellence Project; which cannot be performed until after my business plan and budget has been perfected, along with other pertinent concerns and time lines." Note that defendant Charles Brandy fraudulently claimed in his November 12, 2013 report that Plaintiff (Charles Burgin) " had ceased all communications" after failing to attend the bogus October 12, 2013 conference call." Again note that this email dated October 14, 2013 IS ONLY two days after the bogus October 12, 2013 conference call—there was no ceasing of all communications by plaintiff! See exhibit (WW).

—An email dated October 23, 2013 from committee member Gail Wells. For the record, plaintiff had spoken by phone with committee member Gail Wells and she had informed that she could not meet with him on his requested dates " from the 28th through 31st of October after 1:30pm," as she would be leaving town for a visit to Baltimore and that next committee meeting could be scheduled after she returned, as everyone could then review their schedules and come up with an acceptable date to meet. Gail Wells sent email dated October 23, 2013 to committee members that included plaintiff Charles Burgin and defendant Charles brandy—"Dear team, I am leaving for Baltimore tomorrow morning, but I have attached an article that was sent to me by a national Black Think Tank which I belong to. Please read it and send comments." Again, this is evidence that plaintiff Charles Burgin had not "ceased all communications" with mentor committee tasked

with doing the Impact Study Cost Analysis. See exhibit (WW).

— An email dated October 24, 2013, from defendant Charles Brandy replying to committee member Gail Wells October 23, 2013 email that she was leaving for Baltimore. He simply replied to committee member Gail Wells' October 23, 2013 email, by stating " Thank you." Note that Plaintiff Charles Burgin was also sent this reply. See plaintiff email address on Charles Brandy's email address bar, which is "bromaninc@gmail.com." This is further evidence that plaintiff, (committee member) Charles Burgin had not "ceased all communications" after supposedly failing to address mentor committee members during non existent bogus "October 12, 2013" conference call, as defendant Charles Brandy had intentionally and fraudulently lied to further assist Unite Black Men's Think Tank Chairmen L. Nathan Hare in this conspiracy to contract with Buffalo Public School District Director of Student Services, Will Keresztes in order to gain control of mentor program policies, practices, and procedures in Buffalo Public Schools, as outlined in plaintiff's notice of claim and Amended Complaint.. See exhibit (WW).

— An email dated December 6, 2013 from Mentor Committee member Tracy Cooley who was also tasked with helping to complete the board ordered June 12 ,2013 impact study cost analysis. She states "... I received the mentor report on December 3, 2013. I am not sure if anyone else received the report." Note for the record, defendant Charles Brandy fraudulently and unilaterally prepared his report of November 12, 2013 and kept it from any other committee members as Tracy Cooley did not receive hers until the same December 3, 2013 date that defendant Charles Brandy presented plaintiff with a copy via email to his boss, defendant Pamela C. Brown. Further note, if everything was true in his November 12, 2013 report, then Charles Brandy would have had input from other committee members as they too would not have received their copies some 21 days later— only because plaintiff had demanded that defendant Superintendent Pamela C. Brown, give him a copy of Brandy's fraudulent report of November 12, 2013. See exhibit (WW).

— A December 7, 2013 email sent from plaintiff Charles Burgin to committee member Gail Wells entitled "BOGUS BPS MENTOR REPORT OF NOVEMBER 12, 2013 DONE BY CHARLES BRANDY." The email stated "Hello Gail... I will keep it simple and straight with you. Do you want to set the record straight as to the truth of matter

evidenced by emails and our discussions. Please let me know if Mr. Brandy has given you a copy of the report, and if so, when did you receive it, including how. I would also like to discuss with you all matters pertaining to the BPS Mentor Committee meeting since we last sat at the meeting table on October 10, 2013 after the other members had left. Of course you are now aware that Dr. Keresztes and Charles Brandy will be doing business with those people who started "The Buffalo Mentor Initiative" only they have changed the name. Just coincidence? And in any event, I just want to know where you stand as to the truth of the matter, as I await your reply." Plaintiff states that this is a full page email and he incorporated the full body as evidence. Again for the record. Gall Wells responded via email dated December 10, 2013, stating "I would prefer to speak with you in person, my contact number is ..." See exhibit (WW).

— A page titled "United Black Men's Think Tank minutes by Chairmen L. Nathan Hare" reveals collusion. It further states "mentoring initiative update December 6, 2013 meeting with Dr. Keresztes... Dr. Keresztes working through the district's mentoring structure lead by Charles (Woody) Brandy will provide our mentoring collaboration access to Buffalo Public Schools forums and spaces to enable recruitment of children... Dr. Keresztes will utilize his administration's apparatus to datamine participant schools, site behaviors, and academic performance... The CAO will create an add-on to its website for mentoring initiatives..." Note for the record, all of the above reference emails have been marked as exhibit (WW).

Further note for the record, plaintiff is incorporating the full body of the following documents (which consists of minutes and emails) into his Amended Complaint as evidence of the defendants fraudulent and conspiratorial conduct waged against plaintiff which are marked (XX.)

—An Untited Black Mens Think Tank minutes of July 20, 2013 mentioning a "letter of support sent to Dr. Brown (see XX.)

— An email dated August 8, 2013 sent by plaintiff to Congresswomen Wilson's Chief of Staff Alexis Snyder " but due to fraudulent actions on behalf of the committee chair and assistant superintendent; they claim that the full committee have recommended that we go with the model program of Big Brother Big Sisters which have received a million dollars in grant funding.

So beware of sell-outs who simply want to control things...See exhibit (XX).

- A set of emails dated August 21, 2013 which evidences how Superintendent Brown had allowed Dr. Will Keresztes to be in charge of the Board ordered 6-12-13 impact study cost analysis and that he delegated to Charles Brandy the duty to help conduct it along with members of Buffalo Public School Mentor Committee originally created by Interim Superintendent Amber Dixon and BOE President Lou Petrucci in fall of 2011. See exhibit (XX).

~ A Three page email dated September 3, 2013 which was sent to defendant Pamela C. Brown from plaintiff that outlines the prior negative conduct of Charles Brandy and Will Keresztes while working in the past years on the Mentor Committee, and why it would be a conflict of interest for them to conduct the impact study cost analysis—but Superintendent Brown simply ignored plaintiff's email of September 3, 2013. See exhibit (XX).

— An email dated March 22, 2013 sent by Plaintiff to Will Keresztes informing that he would be insisting that the rights of parents and stake holders be upheld as regarding the types of mentor programs the committee would select to empower at risk black male students as to their history, culture, and need for life skills foundation along with academic support. See exhibit (XX).

~ A three page email dated June 27, 2013 which plaintiff sent to former mentor committee member Dr. Jerome Watts. "Dr. Keresztes even suggested that if I wanted to deal with The 5000 Roles Models of Excellence Project, maybe I could collaborate with one of the organizations which had been officially selected by BPS Mentor Committee. He even went so far as to make a statement that Buffalo Public Schools had enough mentor programs and did not need anymore. He did not know who he was dealing with and I placed him on notice that he had no credibility or integrity." See exhibit (XX).

~ An email dated July 24, 2013 from Dr. Jerome Watts stated "Attached is the academic plan that we discussed. This program can meet the academic needs of students in the mentor program." See exhibit (XX).

—A District Parent Coordinating Council meeting minutes page from November 10, 2014 which states "after school programs... moreover, we have discovered that no title one money was used for summer school

—A 2 page report by Gary Orfield, Research Professor of Education, Law, Pol. Science, and Urban Planning, dated February 10, 2015 and sent to Timothy Blanchard, Director of Regional Office For Civil Rights, U.S. Department of Education—which states "The fact that these decisions are apparently being made by all the White members of the board and the negative comments about race of his opponents are central in both of Mr. Paladino's messages to me signify a severe level of racial polarization in this largely African American school district and city that is dangerous to the districts and the city's future and undermines the commitment the board made in the agreement with OCR. His letter shows deep disrespect for federal civil rights law." See exhibit (XX).

72.) That, plaintiff also submits evidence that Buffalo Public School Board members and the Superintendent were fully on notice that they could be sued "if they exercise powers and functions not conferred upon them, s they are responsible for all losses that may ensue and they are of course LIABLE for tort in like manner as others." He further points to "Essentials of School Board Governance Module B School Board Member Rights, Risks, Responsibilities" which specifically states "Section 1983—Civil Rights Liability:

—lawsuit against a school district or official for violation of a federal right, where otherwise there would be no remedy for the violation
Liability based on whether

—individual suing enjoyed a protected right,

—the school/employee deprived him of the right, and

—the cause of the deprivation was an official practice, policy or custom.

The Board Governance Module B further states "Public participation at meetings"—adopt rules and regulations for maintenance of order but CANNOT AUTOMATICALLY EXCLUDE MEMBERS OF PUBLIC FROM ATTENDING MEETINGS. If permit comment can set time, limit subject, determine place on agenda for comment." Plaintiff asserts that School Board, along with School Board President Barbara Seals-Neversgold ordered security to "Get him out of here!" when plaintiff started reading his speech to audience and public television audience about the negative conduct of board members while further demanding that the board meet with him to discuss the actions of employees who had acted arbitrarily, conspiratorily and fraudulently in shutting down the board ordered impact study/cost analysis, which the board had previously voted to pass via June 12, 2013 Resolution. This is further evidence that defendants abridged or violated his and parents of minority students legal rights. See exhibit(XX).

73.) That, Plaintiff states all of the above materials and facts are evidence of the grave nature of the educational situation in BPS district, and that he's a Black man who sternly advocates for systemic structural change as impacting the lives of inner-city parents of African and Hispanic descent. That the gist of effective change in their lives and situation hinges on equality of educational opportunity as there is sufficient proof that young Black and Hispanic males receive disparate educational treatment in the Buffalo Public Schools system, as further evidenced by the lack of required credits at high school grade level, dismal graduation and disparate racially biased high drop-out rates, which simply prove that in fact there exists historically such an despicable entity as the schools-to-prison pipeline. It's one reason that plaintiff chose to become a mentor and a minority parent advocate to work for systemic change in policies and programs at BPS.

74.) That Buffalo Public Schools District receives federal funding and has a problem equitably distributing funds it receives, and equitably allocating resources to accomplish the goals of meaningful improvement in relative black student achievement throughout the district as evidenced by defendants fraudulent, conspiratorial, deliberate indifference and discriminatory practices as noted above in paragraphs 1 through 73 of this Amended Complaint and Notice of Claim with various exhibits—and must be held accountable for their illegal actions against Black plaintiff and Black and Hispanic parents of male at-risk students attending BPS.

WHEREFORE, Plaintiff respectfully request this court grant relief in the following:

A.) Plaintiff demands jury trial.

B.) Plaintiff demands judgment against defendants herein individually and together or personal capacity.

C.) Court determine that this action can be maintained as Class Action status to include minority parents of minority males attending Buffalo Public Schools whose educational prospects for graduation would be enhanced by participating in 5000 Role Models Of Excellence Project Buffalo Chapter.

D.) Declaratory judgment ordering Buffalo Board of Education and Superintendent, to have district parent stakeholders and school district put together a distinguished and reputable panel of qualified, and honest people of integrity to complete the 6-12-13 board ordered impact study/cost analysis of 5000 Role Models Of Excellence Project (and fund it) which was illegally, fraudulently and arbitrarily shut down due to the actions and inactions (omissions) of board defendants, employees and defendant L. Nathan Hare, who does not work for the Buffalo Board Of Education.

E.) Order the Buffalo Public School District (Buffalo Board Of Education) to pay \$1,000,000 (one million dollars in compensatory damages for it's liability and unlawful actions as outlined in this lawsuit.

F.) Order the individual Board of Education members and employees being sued in their capacity to pay \$5,000,000 (five million dollars) in compensatory damages for their unlawful actions as outlined in this lawsuit.

G.) Order the Buffalo Board of Education and the individual board members and employees being sued in their individual or personal capacity to pay \$5,000,000 (five million dollars) each in punitive damages for their deliberate, indifferent and intentional unlawful actions as outlined in this lawsuit.

H.) Order defendant L. Nathan Hare to pay \$10,000,000 (ten million dollars) in compensatory damages for his unlawful actions as outlined in this lawsuit.

I.) Order defendant L. Nathan Hare to pay \$15,000,000 (fifteen million dollars) in punitive damages for his intentional, deliberate, fraudulent and conspiracy related unlawful actions as outlined in this lawsuit

J.) Award plaintiff costs of this action, together with reasonable attorney fees.

K.) Injunctive relief requiring BPS defendants to cease discriminating against at-risk minority males in the allocation of district resources as regarding Federal funds and grant monies received for establishing and running programs in Buffalo Public Schools District.

L.) Grant plaintiffs such additional equitable and legal relief as the court deems just and proper in the circumstance.

M.) Compensation for aggravation of pre-existing medical condition \$1,000,000

DATED: December 14, 2015

Yours etc.

Charles Burgin
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